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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Jeremy Sommer  
Application No.: 09/882,288  
Group Art No.: 2631  
Filing Date: June 14, 2001  
Examiner: Kevin Burd  
Title:

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Janice Pampell  
Janice Pampell

**INFORMATION DISCLOSURE STATEMENT**

Dear Sir:

Applicant respectfully requests, pursuant to 37 C.F.R. §§ 1.56, 1.97 and 1.98, that the art listed on the attached PTO-1449 form be considered and cited in the examination of the above-identified application. A copy of the art is enclosed for the convenience of the Examiner. Furthermore, pursuant to 37 C.F.R. §§ 1.97(g) and (h), no representation is made that a search has been made or that this art is material to patentability of the present application. Further, Applicant respectfully submits that the claims of Applicant's above-referenced patent application are patentably distinguishable from these references.

A review of the record for this application as listed in the PAIR on-line database on December 17, 2002 revealed a discrepancy between Applicant's file, and the USPTO

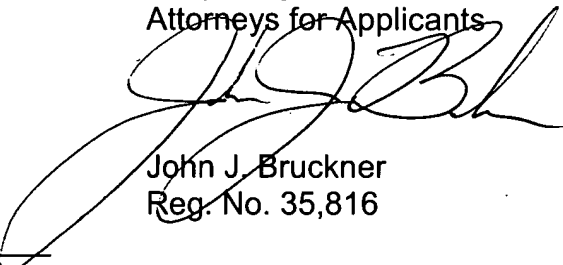
file history contents for this application. In particular, Applicant's attorney noted that the Information Disclosure Statement originally filed via First Class Mail on September 27, 2001 (copy enclosed as Exhibit "A") was not entered into the file history for this application.

A telephone conference with Examiner Burd on December 18, 2002 confirmed that the USPTO file wrapper for this application did not contain the Information Disclosure Statement and references (copies enclosed as Exhibit "B") submitted on September 27, 2001. By contrast, Applicant's file contained a return postcard (copy enclosed as Exhibit "C") with a date stamp of "October 1, 2001" indicating the USPTO mail room received the package containing the Information Disclosure Statement on that date.

Accordingly, the Examiner requested Applicant resubmit the Information Disclosure Statement, Form PTO-1449, photocopies of references and a photocopy of the date stamped return postcard. While Applicant believes no fees are due for the resubmission of the Information Disclosure Statement and attached references, if any fees are due, the Commissioner is hereby authorized to charge Deposit Account No. 50-0456 of Gray Cary Ware & Freidenrich LLP.

Respectfully submitted,

**Gray Cary Ware & Freidenrich LLP**  
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Dated: Dec 20, '02

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